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Oceans and the law of the sea: law of the sea

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Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 53/32 of 24 November 1998 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea[1] ("the Convention") on 16 November 1994,

Recalling also its resolution 2749 (XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982[2] ("the Agreement"), provides the regime to be applied to the Area and its resources as defined in the Convention,

Emphasizing the universal character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

[1] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[2] Resolution 48/263, annex.

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Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting with satisfaction the increase in the number of States parties to the Convention and to the Agreement,

Recognizing the impact on States of the entry into force of the Convention and the Agreement and the increasing need, particularly of developing States, for advice and assistance in their implementation in order to benefit thereunder,

Noting that developing countries, in particular small island developing States, may need assistance in the preparation and publication of charts under articles 16, 22, 47, 75 and 84 and annex II to the Convention,

Taking note with concern of the financial situation of the International Seabed Authority and of the International Tribunal for the Law of the Sea,

Conscious of the need to promote and facilitate international cooperation at the subregional, regional and global levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Conscious also of the importance of education and training in the field of ocean affairs and the law of the sea,

Reaffirming the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[3]

Welcoming the review by the Commission on Sustainable Development on oceans and seas and the adoption of the recommendations made by the Commission through the Economic and Social Council,[4]

Taking note of the major challenges as well as the areas of particular concern facing the international community, as formulated in the recommendations on oceans and seas made by the Commission on Sustainable Development through the Economic and Social Council,[5]

Expressing its concern in this context at the continuing threat posed to the sea by the dumping of nuclear waste and other toxic substances,

Recognizing the positive benefits for the marine environment that can be achieved through cooperative work within the regional seas programme of the United Nations Environment Programme,

Expressing its concern at the increasing threat to shipping from piracy and armed robbery at sea, and expressing its appreciation and support for the ongoing work of the International Maritime Organization in this area,

Reaffirming the importance of enhancing the safety of navigation as well as the necessity for cooperation in this regard,

Emphasizing the importance of the protection of the underwater cultural heritage, and recalling in this context the provisions of article 303 of the Convention,

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[3] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[4] See *Official Records of the Economic and Social Council, 1999, Supplement No. 9* (E/1999/29), chap. I.C, decision 7/1.

[5] Ibid., paras. 3-36.

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and emphasizing the importance of the performance of such responsibilities for the effective and consistent implementation of the Convention,

Taking note of the report of the Secretary-General,[6] and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and to the Agreement;

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* States to harmonize as a matter of priority their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

4. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. *Urges* the international community to assist, as appropriate, developing countries, including small island developing States, in the preparation and publication of charts under articles 16, 22, 47, 75 and 84 and annex II to the Convention;

6. *Requests* the Secretary-General to convene the tenth Meeting of States Parties to the Convention in New York from 22 to 26 May 2000;

7. *Notes with satisfaction* the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, and underlines its important role and authority concerning the interpretation or application of the Convention and the Agreement;

8. *Encourages* States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

9. *Requests* the Secretary-General to circulate lists of conciliators and arbitrators drawn up and maintained in accordance with annexes V and VII to the Convention and to update these lists accordingly;

10. *Notes* the current work of the International Seabed Authority ("the Authority"), and emphasizes the importance of the commitment of its members to work expeditiously towards the adoption during 2000 of the regulations on prospecting and exploration for polymetallic nodules;

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[6] A/54/429 and Corr.1.

11. *Notes with appreciation* the adoption of the Headquarters Agreement between the Government of Jamaica and the Authority;[7]

12. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[8] and to the Protocol on the Privileges and Immunities of the Authority;[9]

13. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in order to ensure that they are able to carry out their functions as provided for in the Convention, and appeals also to the States which are former provisional members of the Authority to pay any outstanding contributions;

14. *Notes* the progress in the work of the Commission on the Limits of the Continental Shelf ("the Commission"), including the adoption of the scientific and technical guidelines and annexes thereto[10] aimed at facilitating the preparation of submissions regarding the outer limits of the continental shelf in accordance with article 76 and annex II to the Convention, and the adoption of an action plan on training,[11] taking into account, in particular, the needs of developing States;

15. *Welcomes* the decision of the Commission to convene an open meeting during its seventh session, aimed at familiarizing States with the necessity to implement the provisions of article 76 and annex II to the Convention relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and encourages States to attend the meeting;

16. *Approves* the convening by the Secretary-General of the seventh session of the Commission in New York from 1 to 5 May 2000 and, if necessary, an eighth session from 28 August to 1 September 2000;

17. *Urges* States to take all practicable steps to prevent the pollution of the sea by dumping of radioactive materials and industrial wastes, in accordance with the relevant provisions of the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter[12] and its amendments;

18. *Calls upon* States to become parties to and to implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter;[13]

19. *Encourages* States to continue to support the regional seas programme, which has achieved success in a number of geographic areas, and to work within the United Nations Environment Programme to enhance cooperation in the protection of the marine environment;

20. *Calls upon* States to cooperate fully with the International Maritime Organization to combat piracy and armed robbery against ships, including by submitting reports on incidents to that Organization;

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[7] ISB/5/A/11, annex.

[8] SPLOS/25.

[9] ISBA/4/A/8.

[10] CLCS/11 and Add.1.

[11] CLCS/19.

[12] United Nations, *Treaty Series*, vol. 1046, No. I-15749.

[13] IMO/LC.2/CIRC.380.

21. *Also calls upon* States to implement the International Maritime Organization guidelines on preventing attacks of piracy and armed robbery and to cooperate with the International Maritime Organization Correspondence Group, established to draw up standard guidelines for Governments in investigating attacks against ships and prosecuting offenders, and with other initiatives of the organization in this area;

22. *Urges* all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice, in accordance with international law;

23. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[14] and to ensure its effective implementation;

24. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea[6] prepared by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28 and 52/26;

25. *Requests* the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions under the Convention and other competent international organizations by providing timely advice, information, including the information in his report, and assistance, taking into account the special needs of developing countries;

26. *Also requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including those mentioned in paragraph 11 of resolution 52/26, and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization;

27. *Reaffirms* the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

28. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 35/116 of 10 December 1980;

29. *Also invites* Member States to support the training activities under the TRAIN-SEA-COAST programme of the Division for Ocean Affairs and the Law of the Sea;

30. *Notes* the continued work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and re-emphasizes the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

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[4] IMO publication, Sales No. 462 88 12 E.

31. *Requests* the Secretary-General to bring the present resolution to the attention of the Director-General of the United Nations Educational, Scientific and Cultural Organization;

32. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, taking into account General Assembly resolution 54/__;[15]

33. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in General Assembly resolution 54/__;[15]

34. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Oceans and the law of the sea".

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[15] Resolution to be adopted under sub-item 40 (c).